

# KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM FORM eNOI-KYG04—INSTRUCTIONS

## WHO MUST FILE A NOTICE OF INTENT (NOI) FORM

Pursuant to 401 KAR 5:060, Section 2 prohibits point source discharges associated with industrial activity to a water body of the Commonwealth of Kentucky without a Kentucky Pollutant Discharge Elimination System (KPDES) permit. The operator of a coal mining operation must submit a NOI-KYG04 to obtain coverage under the KPDES Coal Mining General Permit KYGE4 or KYGW4. If you have questions about whether you need a permit under the KPDES program, or if you need information as to whether a particular program is administered by the state agency, call the **Kentucky Division of Water, Surface Water Permits Branch at (502) 564-3410.**

Operators seeking **initial coverage for a new facility** shall electronically submit the eNOI-KYG04 and required attachments (Mining Reclamation Plan (MRP) map, a KPDES map, results of pre-mining survey if in-stream sediment structures are proposed in the eastern coal field, and a completed Socioeconomic Demonstration Alternatives Analysis (SDAA) form a minimum of 90 days prior to commencement of discharge.

Operators **seeking modification of an existing coverage** to address facility modifications shall electronically submit an updated eNOI-KYG04, and required attachments (MRP map, a KPDES map, results of pre-mining survey if in-stream sediment structures are proposed in the eastern coal field, and a completed SDAA form) a minimum of 90 days prior to the modification of the facility. Modification includes changing the status of an outfall.

Operators seeking **renewal of existing coverages** shall electronically submit an updated eNOI-KYG04, and required attachments (MRP map and KPDES map), within 180 days of the effective date of the permit. Failure to submit the updated eNOI-KYG04 within the specified timeframe may result in the termination of coverage.

For locations in the eastern coal field: Prior to submission of the permit application, the applicant shall submit for review and concurrence to the Division of Water (DOW), a Pre-Mining Survey Map (PMSM) to establish the in-stream monitoring locations that will determine background conditions. The pre-mining survey is required for new and expanded active surface mining areas draining to an in-stream sediment control structure, new and expanded coal preparation plants, and new or expanded underground mines.

Note: This form is not used for transfers.

## WHERE TO FILE NOI FORM

The eForm eNOI-KYG04 is available at: (<https://dep.gateway.ky.gov/eForms/default.aspx?FormID=42>). This form is best viewed using the browsers Firefox or Chrome. **There could be some viewing issues if using Internet Explorer (IE) versions older than 10. If using IE or Chrome do not use the Backspace key, you will lose data. The “Enter” key gives you an error.**

## COMPLETING THE FORM

Enter information in the appropriate areas only. (\*) denotes a required field. (✓) denotes a conditionally required field. If you have any questions regarding the completion of this form call the Surface Water Permits Branch, at (502) 564-3410.

This document will automatically time out after a period of inactivity and all data will be lost. If you expected to be inactive for 15 minutes or more, it is suggested to click on “Click to Save Values for Future Retrieval” found at bottom of the form. Record the Transaction ID to be able to log in again and resume the application process. Errors and/or deficiencies with the form will be highlighted in red and will need to be addressed prior to saving.

The following operations owned or controlled by the permittee shall be combined under one application:

-Coal Preparation Plants which include the facility where coal is subjected to cleaning, concentrating, or other processing or preparation in order to separate coal from its impurities and then loaded for transit to a consuming facility. This includes all pipes, channels, basins, tanks and all other structures and equipment that convey, contain, treat, or process any water that is used in the coal preparation plant (including slurry sediment control structures, freshwater sediment control structures, and conveyances) and coal preparation associated areas that includes coal preparation plant yards, immediate access roads, coal refuse piles, coal storage piles and facilities, coal load out

activities, coal stockpiles, coal refuse storage areas, haul roads, and treatment systems designed to handle runoff or seepage from preparation plant disturbed areas.

-SMCRA haul road only permits shall be combined with the primary adjacent SMCRA mining permit that utilizes the haul road.

**Reason for Submittal:** Select appropriate action-

For Applications for **New Permit Coverage (holding current coverage under KYG04), and operations Previously Covered by an Individual Permit**, enter the Agency Interest ID and KPDES Permit ID if known but they are not required.

For Applications for **New Permit Coverage of a new facility**, the Agency Interest ID and KPDES Permit ID fields are not required.

For **Change to Existing Permit Coverage, Renewal of Existing Permit Coverage, and Response to Notice of Deficiency**: enter the valid Agency Interest ID number if known, and the nine digit KYG04 KPDES Permit ID (this is a required field). Do not enter a KPDES ID for a different site as this may result in a Notice of Deficiency.

Please describe the activities associated with this coverage being sought. This includes all activities as existing, additions, changes in operations, deletions, etc. for which this coverage is being sought.

(\*) This field is required for all applications.

### **SECTION I - FACILITY OPERATOR INFORMATION**

Enter the DNR Permittee Company name, the contact person at this company, mailing address, eMail address and phone number. Alternate phone number is optional. No information in this field should be consultant related.

### **SECTION II - GENERAL SITE LOCATION INFORMATION**

Provide the name, Status of Owner/Operator, and the physical address of the facility including the zip code, county, and the latitude and longitude from the permitted site (**in decimal degrees, 5 digits after the decimal is required throughout the form**).

### **SECTION III – SPECIFIC SITE ACTIVITY INFORMATION**

Click on “Add” to expand the fields. You are to complete this section for each SMCRA permit number included in this application. Describe all types of operation to be permitted for each SMCRA permit number (e.g. Surface Mining, Prep Plant, Underground, etc.). Enter the seven digit SMCRA permit number and the Department for Natural Resources (DNR) Action(s). These fields are required.

**ACREAGE:** Complete this section as requested (in acres). “Current” is previously permitted acreage. “Additions” is the acreage to be added under this DNR Action. If application is for a new facility, all acreage would be shown in this field. The “Total” field is required and shows the new total of all existing and proposed acres. The sum of surface/underground acreages should match those found on the MRP map. If including “Other Areas” Describe Other Areas as (mine management areas, haul roads, etc.).

**HOLLOW FILL INVENTORY:** If site contains or proposes Hollow Fills (HF), this section is required. If the facility has no Hollow Fills, enter 0 for number of Hollow Fills. A hollow fill is defined as spoil storage structures consisting of rock and/or coal waste materials excluding residential waste, construction debris, and slurry, placed so as to encroach upon or obstruct any part of a watercourse or defined valley. For clarification of this section please read the note (?). Enter the total number of HFs associated with this application, then click “Tab” to expand the fields.

For each table: Enter the HF identifying number, and status (Existing, Proposed, or Expanded). For existing HFs, enter the total currently permitted acres. For proposed and expanded fills, enter only the change in acreage of the design. If HF is proposed, enter 0 in Current HF size. Enter the KPDES outfall number(s) associated with each fill. For purposes of this section, existing is defined as previously permitted.

To add additional DNR Permit Numbers click on “Add”. To remove a DNR Permit Number, select which Number that is to be removed and click on “Remove”. To add or remove a HF, update the “Number of Hollow Fills” field (e.g. change 2 to 3 to add one and 3 to 2 to remove). When reducing the number of HFs, the last HFs added will be removed.

All required fields must be completed prior to adding additional DNR numbers.

## **SECTION IV – OUTFALL INFORMATION**

Click on “Add” to expand the fields. Each outfall must be added to this section including all currently permitted KPDES outfalls, those that are eligible for inactivation (this includes outfalls that have been Removed, Replaced, or Deleted from plans and DNR actions but not inactivated by KPDES) and all proposed.

For each Section IV: Enter the outfall’s three digit identifying number starting with 001 (or as previously assigned), the SMCRA Permit Number, DNR Pond Number and the status of the outfall (Existing, Proposed, Deleted from Plan, Outfall Removed, or Expanded).

-Expanded is defined as an outfall that has an increase in discharge due to the addition of new acreage to the drainage area.

-Existing is defined as previously permitted.

-Deleted from plan is defined as an outfall that was proposed but never constructed.

-Outfall Removed is defined as an outfall that was previously permitted and utilized and has been removed.

-Proposed is defined as an outfall that has not yet been permitted.

If outfall is shared with another SMCRA Permit, enter the Permit number and DNR Pond Number.

**For KYGE4 only**, select type of outfall (Bench or In-Stream). For the purposes of this permit, in-stream sediment control structures (outfalls) are those sediment control structures that are constructed within the natural drainage way of a water body, have a continuous discharge or have an average discharge duration of 96 hours or more. Bench or non in-stream sediment control structures are sediment control structures that do not meet the definition of an in-stream sediment control structure.

Provide the latitude and longitude of the outfall (in decimal degrees). These coordinates shall be identical to the latest DNR application and MRP map.

Provide the currently permitted drainage area to the outfall (in acres). If the outfall is proposed enter a 0 as current. For expanded drainage, enter only the change in acreage of the design or if no expansion is proposed, enter “0”.

Indicate the type of drainage received by the outfall. If more than one type of drainage is received, select the additional type(s). Types include:

1. **UGNC** - Discharges from underground workings of underground mines not commingled. “Commingled” means two or more types of drainage that are combined for treatment or discharge.
2. **UGC** - Discharges from underground workings of underground mines commingled. “Commingled” means two or more types of drainage that are combined for treatment or discharge.
3. **CSMD** - Controlled surface mine drainage (except steep slope and mountaintop removal). “Controlled surface mine drainage” means any surface mine drainage that is pumped or siphoned from the active mining area. “Steep slope” means surface mining activities conducted on slopes greater than 20%. “Mountaintop removal” means surface coal mining and reclamation operations that remove entire coal seams running through the upper fraction of a mountain, ridge, or hill by removing all of the overburden and creating a level plateau or gently rolling contour with no highwalls remaining.
4. **NSMD** - Non-controlled surface mine drainage (except steep slope and mountaintop removal). “Steep slope” means surface mining activities conducted on slopes greater than 20%. “Mountaintop removal” means surface coal mining and reclamation operations that remove entire coal seams running through the upper fraction of a mountain, ridge, or hill by removing all of the overburden and creating a level plateau or gently rolling contour with no highwalls remaining.
5. **SSMR** - Discharges from steep slope and mountaintop removal areas. “Steep slope” means surface mining activities conducted on slopes greater than 20%. “Mountaintop removal” means surface coal mining and reclamation operations that remove entire coal seams running through the upper fraction of a mountain, ridge, or hill by removing all of the overburden and creating a level plateau or gently rolling contour with no highwalls remaining.
6. **PPAA** - Discharges from coal preparation plant and coal preparation plant associated areas (excluding coal refuse disposal piles). “Coal preparation plant” means a facility where coal is subjected to cleaning, concentrating, or other processing or preparation in order to separate coal from its impurities and then loaded for transit to a consuming facility. Includes all pipes, channels, basins, tanks and all other structures and equipment that convey, contain, treat, or process any water that is used in the coal preparation plant (including slurry sediment control structures, freshwater sediment control structures, and conveyances).

“Coal preparation associated areas” means coal preparation plant yards, immediate access roads, coal refuse piles, and coal storage piles and facilities.

7. **RA** - Reclamation Areas. “Reclamation area” means the surface area of a coal mine which has been returned to required contour and on which revegetation (specially, seeding or planting) work has commenced.
8. **SANITARY** – Sanitary wastewaters are comprised of wastewaters from bathhouses, mine offices, etc.

If sanitary discharge is selected, indicate if the treated sanitary wastewater is discharged to another treatment system or is directly discharged to a water of the Commonwealth.

For receiving waters, identify if outfall discharges to an unnamed tributary (UT). Then enter the first “named” receiving water. (Please click the link for a list of possible receiving waters).

Select the current or proposed treatment (Sedimentation, Sedimentation & Flocculation, Sedimentation & Flotation, Sedimentation & Neutralization, or Sedimentation & Other). If treatment of Sedimentation & Other was selected, describe treatment. List all chemicals used in product processing and sedimentation control treatments.

Please attach MSDS sheets for all chemicals used or proposed to be used in product processing and all treatments of sediment structures.

For the purposes of this permit to determine if discharge is chronic or acute, continuous discharge is defined as a discharge that occurs without interruption or has an average discharge duration of 96 hours or more. Please indicate if this outfall has an average discharge duration of 96 hours or more.

### **Substantially Identical / Representative Outfalls (RO):**

Substantially identical or representative outfalls are outfalls that receive drainage from the same type of mining activities, disturb the same overburden, utilize the same type of sediment control structures, are within the same HUC 14 watershed, are expected to produce chemically similar effluents and would be subject to the same effluent limitations.

To request monitoring of an outfall as representative of two or more substantially identical outfalls, document the following in an attached justification statement:

- 1) Location of each of the substantially identical outfalls;
- 2) The KPDES permit outfall number assigned to each outfall;
- 3) The types of activities taking place within the contributing drainage area of each outfall, including the coal seams mined, overburden characteristics, mining methods, etc;
- 4) Description of the sediment control structures for each outfall;
- 5) The expected frequency and volume of flow for each outfall;
- 6) Why the permittee expects the outfalls to produce similar effluents;
- 7) The outfall the permittee requests as the representative outfall;
- 8) The basis for selecting the representative outfall; and
- 9) Attach lab sheets if used for data to support estimates.

**For the purposes of Reasonable Potential Analysis (RPA) required for this application:** The permittee is required to collect, analyze and report at least one sample of effluent from each outfall for the parameters listed in the Effluent Data table. If renewing KYG04 coverage, at least one sample must be taken no more than 4 years prior to the date of this submittal. If submitting an application for a new or expanded facility, samples must be taken within 12 months of this submittal.

If the permittee can demonstrate the discharges are or will be substantially identical as outlined above, then the DOW may authorize the permittee to use a substantial identical RO to provide this data. Indicate if this outfall will be submitted as a RO and if a sample will be submitted from this outfall for RPA purposes, and list the associated outfalls. If this outfall is being represented by another outfall for RPA, provide the outfall number of the RO.

**For the purposes of permit compliance:** Discharge samples and measurements shall be collected at the compliance point for each KPDES outfall identified in the KYG04 Coverage Letter. Each sample shall be representative of the volume and nature of the monitored discharge.

If the permittee can demonstrate the discharges are or will be substantially identical as outlined above, then the DOW may authorize the permittee to monitor representative outfalls for compliance purposes. Indicate if this outfall is being submitted as a compliance representative outfall (CRO), and list all associated outfalls.

If this outfall is being represented by another outfall for compliance purposes, provide the outfall number of that CRO.

To add additional outfalls, click on “Add”. To remove an outfall, click on “Remove”, this will remove the current outfall being viewed.

#### **SECTION V – OTHER EFFLUENT DATA**

To provide a sample for RPA when there are no existing discharges on the proposed activity, the permittee may use data from an adjacent existing activity which is substantially identical. If there are no existing discharges or substantially identical adjacent activities, then the permittee shall estimate the expected discharge levels. If submitting a substantially identical RO sample from an adjacent existing activity, or an estimated effluent sample, complete this section and attach a justification statement as outlined above.

Click on “Add” to expand the fields. Select if you are submitting data from an adjacent existing activity which is substantially identical.

Complete for each RO sample: Enter the KPDES outfall number, SMCRA permit number and DNR pond number, date sample was taken, the receiving water name (Please click the link for a list of possible receiving waters), and the latitude and longitude (in decimal degrees) of where the sample was collected. List all associated outfalls.

Select if you are submitting an estimate of the expected discharge levels, and list the associated outfalls.

Report the numerical results of the analysis for the pollutant or pollutant characteristics in the units provided along with the Minimum Reporting Level (MRL). All fields are required, and Lab Sheets must be attached. If any lab result is less than the MRL, designate such with “<” Laboratory MRL, As of January 1, 2015, all laboratory analyses and tests required to demonstrate compliance with the conditions of this permit shall be performed by an EEC certified wastewater laboratory.

To add additional data, click on “Add”. To remove data, click on “Remove”, this will remove the current data being viewed.

#### **SECTION VI – IN-STREAM MONITORING LOCATIONS**

In-Stream Monitoring is required for new and expanded active surface mining areas draining to an in-stream sediment control structure, new and expanded coal preparation plants, and new or expanded underground mines in the eastern coal field. If in-stream monitoring is required, complete this section.

Prior to submission of the permit application, the applicant shall submit for review and concurrence to DOW, a PMSM that includes a topographic map illustrating the location of all existing and proposed KPDES outfalls associated with the activity and the proposed in-stream monitoring locations to DOW for review and concurrence. The pre-mining survey consists of a single sampling event at each approved in-stream monitoring point identified in the PMSM during the appropriate biological index period to determine the physical, chemical, and biological background conditions. List the results of this analysis under the Background Water Quality section.

Click on “Add” to expand the fields. For each in-stream section: Enter the in-stream monitoring location identifier, latitude and longitude (in decimal degrees), stream name, and list all KPDES outfalls associated with this in-stream monitoring location. The in-stream monitoring location identifier is a 3 digit number starting with “I01” (I as in In-stream). Complete the background water quality results.

To add additional locations, click on “Add”. To remove locations, click on “Remove”, this will remove the current location being viewed.

#### **SECTION VII - OTHER ENVIRONMENTAL APPROVALS AND PERMIT INFORMATION**

Please provide existing or required Clean Water Act Section 404 Permit and Underground Injection Control UIC number or application date.

## **SECTION VIII - DISCHARGE MONITORING REPORT (DMR) CONTACT INFORMATION**

**DMR Official:** KPDES permit holders are required to submit DMRs electronically to the Division of Water on a regular schedule (as defined by the KPDES permit). Information in this section serves to specifically identify the name and contact information of the DMR official. Please provide the name, mailing address, eMail address and telephone number (alternate phone number is optional) of the DMR signatory authority, i.e. the company official responsible for signing DMRs (see **SIGNATURE REQUIREMENTS** below).

## **SECTION IX - NOI PREPARER INFORMATION**

Provide the name, company name, mailing address, eMail address and telephone number (alternate phone number is optional) of the person preparing the eNOI.

## **SECTION X- ATTACHMENTS**

Required: Attach the most current signed and stamped MRP map submitted to the Division of Mine Permits (DMP) for each SMCRA number and Action; a KPDES Map showing the total permit boundary including acreage, location of outfalls for the entire KPDES permit area, flow lines as arrows, all adjacent DNR permits including boundaries of any overlapping or shared ponds, and preferred to be in a scale of 1":400'; and a USGS topographic map clearly indicating the location of the activity and the proposed discharge points.

Submit a SDAA if eNOI is for a new or expanded operation.

If Effluent Sample is required, attach effluent data lab sheets.

Attach justification statements if required.

Other File(s): Attach any additional files required for review.

**Do not attach these items until ready to "Click to Continue to ePay". Attachments are not saved with the eNOI when you "Click to Save Values for Future Retrieval".**

## **SECTION XI - CERTIFICATION**

Provide the Signature, title, printed name, eMail address, and telephone number (alternate phone number is optional), and Signature Date of the responsible party. With each submittal, the signature date needs to be updated.

**Signature:** Provide full name of the responsible party. This will constitute a signature.

**SIGNATURE REQUIREMENTS** - The eNOI must be signed as follows:

**Corporation:** by a responsible corporate officer such as: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations (the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures).

**Partnership or sole proprietorship:** by a general partner or the proprietor respectively

**Note: Consultants and contract labs may submit these electronic forms provided the signatory authority signs the forms or has authorized them in accordance with the requirements of 401 KAR 5:060, Section 4 to sign for them.**

**Click to Save Values for Future Retrieval:** If additional information is required and submittal of application is not complete, click here to save entries for future retrieval. **You will receive a Transaction ID when you save the document. Be sure to record this number, you will need it to retrieval your application for completion.**

**Click to Continue to ePay:** When application is complete, click here to submit application. **You will receive a Submittal ID number and Transaction ID number when the application is accepted, be sure to record these numbers. DOW will require the Submittal ID number if you have questions concerning your submittal. You will receive a new Transaction ID and Submittal ID each time you submit the application.**

Once you have successfully submitted a completed eNOI, you will automatically be sent to DEP's ePay site where you must make an ePayment for your filing fee of \$260. The application will not be complete until you have included your filing fee. Through ePay, you can pay your filing fee by MasterCard, Visa or American Express or debit card for a service fee or ACH (Electronic Check Payment Processing) for checking or savings with no service fee. There is a 20 minute window for ePay process to be completed once the ePay screen is accessed.

#### **RESPONDING TO A NOTICE OF DEFICIENCY (NOD)**

When deficiencies in an application are identified by the DEP Technical Reviewer, you will receive an NOD email with a Transaction ID number attached.

Save this ID number. Access the eNOI web link and enter the Transaction ID into the form under "Option B" in the appropriate box.

Click "Proceed" to recover your original eNOI. This form will now have boxes outlined in blue which highlight all deficiencies. Read the comments in the "DEP Reviewer Comments". Make the appropriate changes to the eNOI and/or the respective attachments and enter a description of your action in the box titled "Applicant Comments". If the permit writer has made any changes to a field on the application, you can view the previous value by placing the cursor over the field.

When all responses are complete, click the "Submit to DEP" button at the bottom of the eNOI.

Note: If there were no deficiencies identified on your attached documents, it is not necessary to upload them again with your response. If attachments were deficient, then correct the affected documents and upload only those as attachments to your response.

The applicant is required to sign and date every submittal to DEP. The date box needs to be updated each time the eNOI is submitted to DEP. Failure to enter the correct date on your submittal will cause it to be deficient.

Once your application is technically approved, you will receive notice of the final payment of \$1040 due prior to the issuance of a coverage letter. A copy of the approved application and the coverage letter are required to be maintained on-site at all times for future inspections.